

REMARKS

Favorable reconsideration of this application and the Office Action of March 22, 2005 are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 to 19 remain under consideration in this application.

The rejection of claims 1-19 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is based on the contention that "not fully halogenated" added to the claims in the previous amendment is not found in the specification. This contention by the PTO is incorrect. A statement may be made either positively or negatively (as a corollary to the positive statement). The basis for this phrase is found at lines 12 to 16 on page 5 of the specification as part of paragraph [0008]. At that place in the specification the phrase is stated as a corollary statement, i.e., that the polyfluorinated ether compounds of this invention are distinguish from the prior art compounds in that the polyfluorinated ether compounds have certain advantageous properties **"in comparison to the fully halogenated hydrocarbons"** (specification--lines 14-15 on page 5). This statement can only mean that the polyfluorinated ether compounds of this invention are not fully halogenated. Moreover, each and every one of the polyfluorinated ether compounds specifically named in Applicant's specification are not fully halogenated thereby confirming this fact. Thus, it is respectfully submitted that the specification does in fact support that phrase. Therefore, the USPTO is respectfully requested to reconsider and withdraw this Section 112, first paragraph, rejection of claims 1 to 19.

The rejection of claims 1, 7 and 14 as being anticipated under 35 U.S.C. 102

(b) by the disclosure in US Patent No 4,736,045 to Drakesmith et al. is again respectfully traversed.

As pointed out in the previous response, Applicant's claim are distinguished from the disclosure in Drakesmith et al. due to the fact that the compounds in Drakesmith et al. are fully fluorinated ether compounds, whereas the ether compounds of Applicant's claims 1, 7 and 14 are not fully halogenated and thereby possess superior properties in regard to being a negligible contributor to ozone depletion and to green-house global warming. The USPTO dismisses this contention of Applicant (that the ethers of Drakesmith et al. are fully fluorinated) as erroneous and, as basis for their position, the USPTO refers to column 1, lines 10-15 of Drakesmith et al. The USPTO erroneously contents that the statement in column 1, lines 10-15 "discloses that the fluorinated ether may be partially or fully fluorinated." This conclusion is incorrect as is evident from the actual wording in that disclosure and also in view of the remaining disclosure in the Drakesmith et al. patent.

The actual wording is "The fluorinated ether may be partially or fully fluorinated **during the fluorination reaction** (emphasis added)." The context of this statement is that **the reaction itself** may be a partial or full fluorination reaction **in order to obtain fully fluorinated ethers of the invention**. What this means is that the fluorination of the hydrogen-containing ether reactant (R-O-R') can be:

full fluorination of such an ether reactant (that has no fluorine in the reactant) to a fully fluorinated ether of the patented invention, or

partial fluorination of such an ether reactant (already having some fluorine in the reactant) to a fully fluorinated ether of the patented invention.

That this is the meaning and context of that statement is clearly demonstrated by:

- (a) the disclosure at column 1. lines 39-62 (as well as elsewhere in the specification and in the formula in claim 1) **wherein the patentees identify the fluorinated ethers of their invention and there disclose only fully**

fluorinated ethers, and

- (b) the fact that the patent nowhere discloses production of any fluorinated ether that are not fully fluorinated.

Clearly, Drakesmith et al. does not disclose any polyfluorinated ethers that are not fully halogenated and within the scope of Applicant's claims 1, 7 and 14 since all the fluorinated ethers of that patent are fully fluorinated ethers. Therefore, the USPTO is respectfully requested to reconsider and withdraw the rejection of claims 1, 7 and 14 under 35 U.S.C. 102 (b) as anticipated by Drakesmith et al.

The rejection of claims 2-6, 8-13 and 15-19 under 35 U.S.C. 103 (a) as unpatentable over the disclosure in Drakesmith et al. is respectfully traversed. Drakesmith et al. does not disclose, suggest or in any way render obvious any of the compounds recited in claims 2-6, 8-12 and 15 to 19 of the present application, which compounds of the present application do not adversely affect atmospheric chemistry and do not contribute to ozone depletion and green-house global warming. Furthermore, the disclosure in Drakesmith et al. does not disclose the process steps of the present application claims.

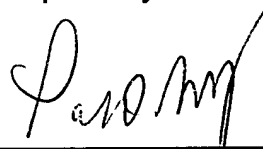
The USPTO acknowledges in the Action that Drakesmith et al. "does not disclose those different types of organic fluids as claimed." The USPTO attempts to cure this deficiency in the reference disclosure by **taking Official Notice that "changing working fluid is well known in the art."** This is entirely improper and erroneous. Firstly, Applicant disputes that this is well known in the art and submits that such a bald allegation of a statement is not and cannot be supported. Secondly, even if such a generalized statement were true (but it is not), it does not support the specific use of the specific compounds of claims 2-6, 8-13 and 15-19 which compounds are completely different than the compounds disclosed in Drakesmith et al. Thirdly, there is nothing to support the fact that the use of the compounds of these claims provides superior properties in regard to being a negligible

contributor to ozone depletion and to green-house global warming in comparison to the fully fluorinated ethers of the Drakesmith et al. patent. Accordingly, the disclosure in Drakesmith et al. cannot render use of the compounds of claims 2-6, 8-13 and 15-19 in the claimed process obvious to one skilled in the art and, accordingly, the PTO is respectfully requested to reconsider and withdraw the rejection of claims 2-6, 8-13 and 15-19 over Drakesmith et al. under 35 U.S.C. 103(a).

It is respectfully submitted that the foregoing is a full and complete response to the Office Action and that all the claims are allowable for at least the reasons indicated. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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